

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MONTA JEAN TAYLOR, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case Number CIV-05-49-C
)	
WARREN BOBBY MILLER, individually,)	
et al.,)	
)	
Defendants.)	

MEMORANDUM OPINION

Now before the Court is a single motion requesting multiple forms of relief filed by Defendant Warren Bobby Miller (Miller) and entitled Motion for New Trial; Motion to Alter or Amend the Judgment; Motion for Remittitur; Renewed Motion for Judgment as a Matter of Law; and Motion for Relief from Judgment. Plaintiff Frank Hulnick (Hulnick) filed a response; accordingly, the issues are ripe for disposition.

In his brief, Miller primarily rehashes arguments previously addressed and disposed of by the Court. (See Orders, Dkt. Nos. 45, 71.) Nonetheless, the totality of evidence presented at trial in no way points only in Miller's favor and is certainly susceptible, at a minimum, of reasonable inferences supporting Hulnick's claims. See Minshall v. McGraw Hill Broad. Co., 323 F.3d 1273, 1279 (10th Cir. 2003). The jury's verdict is not contrary to the weight of the evidence, and Miller fails to present evidence of prejudicial error entering the record affecting any substantial right. See McHargue v. Stokes Div. of Pennwalt Corp., 912 F.2d 394, 396 (10th Cir. 1990). The jury's punitive damages verdict of \$5,000.00

neither shocks the Court's conscience nor "raise[s] an irresistible inference that passion, prejudice, corruption or another improper cause invaded the trial." Murphy Oil USA, Inc. v. Wood, 438 F.3d 1008, 1021 (10th Cir. 2006) (quoting Sheets v. Salt Lake County, 45 F.3d 1383, 1390 (10th Cir. 1995)). As a result, Miller's Motion for New Trial; Motion to Alter or Amend the Judgment; Motion for Remittitur; Renewed Motion for Judgment as a Matter of Law; and Motion for Relief from Judgment [Dkt. No. 92] is **DENIED**.

IT IS SO ORDERED this 1st day of May, 2006.



ROBIN J. CAUTHRON
United States District Judge